

Appln. No.: 10/803,768
Amdt. dated March 13, 2006
Reply to Office action of December 13, 2005

REMARKS

As a result of the Examiner restricting applicant to one of two inventions, wherein Group I defines one invention in claims 1-6, and Group II defines the second invention in claims 7-12, applicant affirms the withdrawal of Group I, claims 1-6 from present consideration. Applicant reserves the right to reintroduce claims 1-6 in a subsequent application.

Applicant has cancelled claim 9 without prejudice, as it has been incorporated into claim 7.

Rejected Claims

Claim 7 has been amended to further define patentable subject matter over Santella (U.S. Patent No. 5,375,569).

As amended, claim 7 recites a plastic component assembly comprising an elastomeric seal member secured to a metallic support element. Further, a plastic component is formed in place against and attached to the metallic support element.

In contrast, Santella discloses a multipolymer structure, represented as a valve rocker cover, consisting of a cover body 10, a sealing flange 14, and a sealant 16, all of which are taught as being fabricated from polymeric materials. As a matter of fact, Santella goes to great lengths to teach against incorporating metallic materials, as a result of their poor sound deadening properties (column 1, lines 17-19), and from a need to reduce the overall weight and cost of the assembly (column 1, lines 35-39). The advantage of forming the engine valve rocker cover from plastic is further discussed in column 2, lines 7-13, as having lighter weight and better noise reduction. The examiner references column 1, lines 10-40, and column 2, lines 15-20, to support that Santella teaches that molded inserts may be made of metal for greater strength at the expense of extra weight. However, applicant notes that the references in the "Background of the Invention" speak negatively about using metal as a material for automotive components, and thus, teaches away from the use of metal. Further, the discussion in column 2, lines 15-20, is merely to note that insert injection molding can be used to mold the separate polymeric metals to one another, and not to suggest that one of the components in the '569 patent be fabricated from metal. As already mentioned, the '569 patent teaches away from the incorporation of metal components. Accordingly, applicant contends that one

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skilled in the art would not be motivated by Santella to incorporate a metallic component in an assembly, as taught by application herein. On that note, applicant contends that one skilled in the art would not be motivated to combine the teachings of Santella with the teachings of Haack et al. (U.S. 2003/0008105) to modify Santella to include metallic components. To do so introduces the very problems into Santella that Santella purports to solve through the use of polymeric materials.

Accordingly, applicant contends that claim 7, as amended, defines patentable subject matter and to be in condition for allowance. Such action is respectfully requested

Claim 8 has been amended, and is ultimately dependent upon base claim 7, and thus, is believed to define patentable subject matter for at least the same reasons. In addition, the examiner has acknowledge that Santella does not disclose providing pass through openings to provide a mechanical connection between adjacent components. Again, applicant contends that the examiner has improperly combined Santella with Haack et al to support a conclusion that it would be obvious to modify Santella to arrive at applicant's claimed invention. For the same reasons stated above, applicant contends that one ordinarily skilled in the art would not look from Santella to Haack et al, as there would be no reason to do so. Applicant contends that there would be little reason to incorporate the pass through openings in Santella, since two polymeric materials are being bonded to one another. In contrast, applicant is attaching a polymeric material to a metallic material, and thus, the pass through openings solve the potential problem of the two dissimilar materials not being attached to one another in a secure and reliable manner. Accordingly, not only does Santella teach away from looking to Haack et al, but there is not problem to be solved by doing so.

Accordingly, applicant contends that claim 8 defines patentable subject matter and to be in condition for allowance. Such action is respectfully requested.

Claim 10 has been amended to depend on claim 8, and is ultimately dependent upon base claim 7, and thus, is believed to be patentable for at least the same reasons stated above. Such action is respectfully requested.

Claim 11 is dependent upon base claim 7, and thus, is believed to define patentable subject matter for at least the same reasons. In addition, claim 11 has been amended to further define the support elements as having upstanding opposite legs connected by a base to define a U-shaped internal profile with pass-through openings in at

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least one of the legs. The plastic component is attached only to the internal profile and extending into the pass-through openings to interlock the plastic component to the support element.

Applicant contends that none of the cited references teach or suggest the assembly as claimed in amended claim 11, nor would it be obvious from any of the teachings to arrive at applicant's claimed construction. Accordingly, applicant contends that claim 11, as amended, defines patentable subject matter and to be in condition for allowance. Such action is respectfully suggested.

Claim 12 has been amended, and is dependent upon claim 8, and ultimately upon base claim 7, and thus, is believed to define patentable subject matter for at least the same reasons. Such action is respectfully requested.

Claim 13 has been added, and is dependent upon claim 8, and ultimately upon base claim 7, and thus is believed to define patentable subject matter for at least the same reasons. Claim 13 defines the plastic component as being formed over opposite sides of a portion of the metallic support element and through the pass-through openings to interlock the plastic component to the metallic support. None of the references cited disclose the construction for a plastic component formed over opposite sides of a metallic member and through an opening of a metallic support, and thus, claim 13 is believed to further define patentable subject matter and to be in condition for allowance. Such action is respectfully requested.

Independent claim 14 has been added and defines a valve cover assembly for an internal combustion engine. Claims 15 and 16 have been added and are ultimately dependant upon base claim 14. The valve cover assembly recited in new claims 14-16 is believed to define patentable subject matter over all the references cited for at least the same reasons stated above, and thus, favorable action is requested.

It is believed that this application now is in condition for allowance. Further and favorable action is requested.

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Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this Amendment being sent via facsimile 571-273-8300 addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on March 13, 2006.


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